IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1441 of 2003
with
CIVIL APPLICATION No 10653 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KODINAR MUNICIPALITY

Versus

MORI ARJANBHAI BHIMABHAI

Appearance: 1. LETTERS PATENT APPEAL No. 1441 of 2003
MR YV SHAH for Appellant No.
MR RAMESH V SAVANIA for Respondent No. 1-7
MS DS PANDIT AGP for Respondent No. 8

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 11/01/2005

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Mr.Shah, learned counsel for the appellant has not pressed this Letters Patent Appeal against the interim order passed by the learned Single Judge of this court in Civil Application No.1686/02 in Special Civil Application No.403/01. Hence, this appeal is dismissed as not pressed.

Civil Application for stay would not survive in view of the order passed in main Letters Patent Appeal. Rule is discharged. Ad-interim relief granted earlier stands vacated forthwith.

At this stage, learned counsel Mr.Shah for the appellant requested to direct the learned Single Judge to expedite the hearing of main Special Civil Application No.403/01. Instead of issuing such directions to the learned Single Judge, as prayed for by Mr.Shah, we are of the considered opinion that the appellant-Municipality should first make proper application before the learned Single Judge for early disposal of its main writ petition i.e. Special Civil Application No.403/01. As and when such application is made, then we are sure that the learned Single Judge taking up such matters will pass appropriate order after taking into consideration all the aspects of the matter, including other matters pending before the court.

With these observations, this appeal is dismissed as not pressed.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

*Pvv